EXHIBIT 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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IN RE: METHYL TERTIARY BUTYL ETHER
("MTBE") PRODUCTS LIABILITY LITIGATION

This documents relates to:

City of New York v. Amerada Hess Corp., et al.,
No. 04 Civ. 3417

DECLARATION OF WILLIAM A. YULINSKY, P.E.

Master File No. 1:00-1898
MDL 1358 (SAS)
M21-88

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UNITED STATES DISTRICT COURT)
)ss:
SOUTHERN DISTRICT OF NEW YORK)

I, WILLIAM A. YULINSKY, P.E., submit this declaration in support of the Plaintiffs' Opposition to the Defendants' Motion to Dismiss or Stay Plaintiffs' Claim for Injunctive and Declaratory Relief Based on the Doctrine of Primary Jurisdiction, in the above-referenced action.

1. I am the Director of Environmental Health and Safety in the Bureau of Water and Sewer Operations ("BWSO") of the New York City Department of Environmental Protection ("NYCDEP"), a position that I have held since February 2002. I have Bachelor of Science degree in Chemical Engineering from the State University of New York (SUNY) at Buffalo, which I received in 1980. I am a licensed Professional Engineer in New York State since 1985 and I hold a Grade 1A Water System Operator certificate from the New York State Department of Health.

2. Prior to my current position, I served as BWSO Chief of Facility Engineering. My current responsibilities include, among other things, managing the work that NYCDEP's consultant Malcolm Pirnie is conducting with respect the rehabilitation of Wells 6, 6A, 6B, 6D, and 33 – five of the 68 groundwater wells the City owns and operates in and around Jamaica, Queens. As part of this work, I, along with employees of Malcolm Pirnie, have engaged in discussions with the New York State Department of Environmental Conservation ("NYSDEC") regarding the potential sources of the contamination currently impacting these wells, including MTBE contamination.

3. I understand that Defendant's Motion makes certain representations about the remedial work that the NYSDEC has performed at Well 6D, one of the wells being rehabilitated. The purpose of my declaration is to explain the work that NYSDEC has actually performed up to this point, will potentially perform in the future, and, most importantly, will not perform at all. Indeed, as discussed further below, the work required to eliminate or at least control the high MTBE levels at Well 6D extends far beyond the potential remedial work that NYSDEC may perform at the as of yet unidentified source of the contamination.

A. A Brief Description of Well 6D and Station 6

4. Well 6D, along with four other groundwater wells (Wells 6, 6A, 6B, 6C), is located on a property commonly referred to as Station 6. In addition to its five wells, Station 6 also contains an existing iron/manganese water treatment facility that is not currently in operation. In 1999, the City and Malcolm Pirnie initiated a plan to upgrade the existing groundwater treatment facility and, in addition, redrill four of the five wells (6, 6A, 6B, and 6D) and one offsite well (Well 33) so that these five wells would pump collectively into the single treatment facility. The rehabilitation work on the wells, which took place in 2001 and 2002, included not only replacing outmoded pumping equipment, but actually sealing the original wells

and re-drilling four new wells on the property. While the well rehabilitation has already taken place, NYCDEP and Malcolm Pirnie are still in the process of developing the plans for upgrading the treatment plant itself.

5. The goal of this still-ongoing project is threefold: (i) to allow the City to provide high quality drinking water through the use of the most current treatment technologies; (ii) to enable the City to pump down rising groundwater levels in Jamaica, Queens which have, in the past few years, resulted in flooding problems; and (iii) to demonstrate the overall effectiveness of regional water treatment plants (plants that treat water from more than one well) in efficiently providing larger quantities of potable groundwater to Queens. Indeed, the development of regional treatment plants was one of the key recommendations made in the Brooklyn Queens Aquifer ("BQA") Feasibility Study - part of more than a decade long hydrologic study into revitalization of the Brooklyn-Queens Aquifer system, including the study of engineering, water quality, managerial, and cost aspects of using the groundwater as a supplement to the City's upstate reservoir system.

B. NYSDEC's Well 6D Investigation

6. In conjunction with the above-stated goals, and in an effort to bring the Station 6 project to fruition, another component of the Station 6 project has been to investigate potential sources of contamination that are currently harming these wells. During the course of the Station 6 project, the City's consultants, Malcolm Pirnie, identified MTBE contamination in both the new and old Well 6D. Upon learning of this contamination, NYCDEP identified from the NYSDEC spills database two gasoline service stations that had reported spills, but were not subject to any State enforcement action, and were thus potentially the source of the MTBE contamination. The NYSDEC Spill Database is a compilation of information (*e.g.* date, quantity,

location, etc.) about known chemical spills, including petroleum, reported by gasoline station owners or anyone else that has spilled or discovered a spill in New York. After identifying the two gasoline stations, NYCDEP informed NYSDEC of the MTBE contamination at Well 6D and gave NYSDEC the locations of the two service stations.

7. Upon receiving this information, NYSDEC wrote letters to the owners of these two stations requiring them to conduct further investigation of their sites in order to determine if they were the source for the MTBE contamination. NYSDEC, however, has yet been unable to confirm whether these sites are the source of the MTBE contamination. NYSDEC's efforts have therefore been limited to a preliminary investigation to find the source of the MTBE contamination, and NYSDEC has not directed or conducted any remedial activities to address the source of the Well 6D MTBE contamination. Indeed, Well 6D is one of many wells in the City's groundwater system where neither NYSDEC, nor any other regulatory agency for that matter, has been able to locate a source for the MTBE contamination, and therefore has not ordered any formal remediation of the offending plume.

C NYCDEP's Treatment of Well 6D

8. Whether or not NYSDEC will be able to identify and remediate the source for the MTBE contamination at Well 6D, the treatment of the MTBE-contaminated water in Well 6D is not work that NYSDEC will perform. Well treatment extends beyond the typical scope of NYSDEC's remedial process and, with respect to MTBE, is an extremely expensive and resource intensive effort.[1] The treatment of the groundwater in Well 6D is a responsibility that will fall solely on the shoulders of NYCDEP.

[1] As compared to other volatile organic compounds, treatment of water for MTBE contamination requires the installation of additional treatment processes and expenditure of additional operating costs. The reason for this is MTBE's affinity for remaining in the water. While most VOCs can be removed from via an air-stripper treatment

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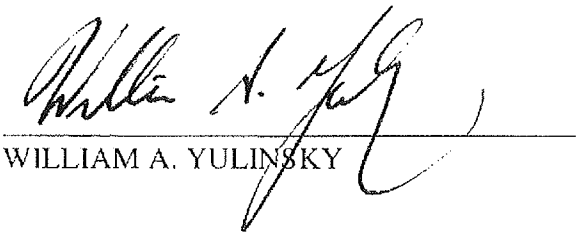
9. While I understand that the Defendants in this action believe that the NYSDEC and not this Court should provide the City with the relief it seeks, this should certainly not be the case until NYSDEC actually takes formal remedial action against the source of the contamination at Well 6D – a source that has at this point not even been identified. Moreover, Defendants ignore the fact that out of the at least 31 wells known to be impacted by MTBE – including wells that far exceed the MCL – to my knowledge, DEC has only taken any action, whether it be remedial or investigative, with respect to two. Therefore, there remains a large amount of MTBE contamination in this system that has not been addressed by any regulatory agency and will require NYCDEP expend great deal of time, resources, and money to construct adequate treatment systems.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: February 22, 2006
New York, NY



WILLIAM A. YULINSKY

plant providing a 40:1 air-to-water ratio. MTBE requires air stripping that requires at least 150:1 air-to-water ratio. This need for additional air requires the construction of larger infrastructure to be installed in air-stripping plants and causes more expensive and resource intensive operating costs.